

### REMARKS

Reexamination and reconsideration in light of the foregoing amendment and following remarks is respectfully requested.

Claims 1-25 are pending in this application. No new claims have been added. Claims 1-5 have been withdrawn from consideration due to a restriction requirement. Applicants acknowledge the election of the claims of Group II (claims 6-25) and the Examiner's holding that the election is being treated as an election without traverse.

Applicants note the Examiner's acknowledgment of Applicants' claim for foreign priority under 35 U.S.C. § 119 and receipt of the certified priority document.

Claims 6-25 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Allen et al. (U.S. Patent No. 6,610,456). According to the Examiner, Allen et al. disclose

a method of forming a patterned material layer comprising forming a film using a resist composition wherein the resist composition comprises a) a polymer including polymerizable monomeric units such as formula (I) (hexafluorohydroxyisopropyl)styrene (same as chemical formula 1, chemical formula 3, chemical formula 6, chemical formula 8, and chemical formula 10), polymerizable monomeric units such as trifluoromethylstyrene (TFMST) (same as chemical formula 2, chemical formula 4, chemical formula 7, and chemical formula 11) and copolymerizable monomeric units such as hydroxy styrene (chemical formula 5, chemical formula 9, and chemical formula 12), and an acid generator (radiation-sensitive); exposing the resist film to DUV radiation (157nm) to form a latent image (pattern exposure), and developing the image to form a resist structure (resist pattern) (claims 6,10, 14,18, and 22). Allen, in col 17, lines 30-40, discloses that the resist film is exposed to radiation by using an F<sub>2</sub> laser beam (claims 7, 11, 15, 19, and 23). Allen, in col 3, lines 55-61, discloses that the resist film is exposed to X-ray to form a latent image therein (claims 8-9, 12-13, 16-17, 20-21, and 24-25).

Applicants respectfully traverse the findings of the Examiner. Allen et al. does not disclose Chemical Formulas 2, 4, 5, 7, 9, 11 or 12. Each of these formulas require an -OR moiety on the

benzene ring, where R is H or a protecting group. Structure (I) of Allen et al. is a  $-C(R_3)(R_4)(OR_5)$  moiety, and not the  $-OR$  moiety as set forth above. As for structure (II) of Allen et al., this structure does not include a benzene ring as required by Chemical Formulas 2, 4, 5, 7, 9, 11 and 12. The suggested addition of a TFMST monomer to Allen's copolymer formulation does not satisfy the claimed requirement for Chemical Formulas 2, 4, 5, 7, 9, 11 or 12 recited in the claims. Allen et al. do not disclose, let alone suggest, an  $-OR$  moiety as defined above on the benzene ring of TFMST.

The factual determination of anticipation requires the disclosure in a single reference of every element of the claimed invention. *In re Spada*, 911 F.2d 705, 708, 15 USPQ2d 1655, 1657 (Fed. Cir. 1990); *In re Bond*, 910 F.2d 831, 832, 15 USPQ2d 1566, 1567 (Fed. Cir. 1990); *Diversitech Corp. v. Century Steps, Inc.*, 850 F.2d 675, 677-678, 7 USPQ2d 1315, 1317 (Fed. Cir. 1988); *In re Marshall*, 578 F.2d 301, 304, 198 USPQ 344, 346 (CCPA 1978); *In re Arkley*, 455 F.2d 586, 587, 172 USPQ 524, 526 (CCPA 1972). It is incumbent upon the Examiner to identify wherein each and every facet of the claimed invention is disclosed in the applied reference. *Lindemann Maschinenfabrik GmbH v. American Hoist and Derrick*, 730 F.2d 1452, 1458, 221 USPQ 481, 485 (Fed. Cir. 1984). On the present record, the Examiner has failed to present any factual evidence that Allen et al. disclose a combination of Chemical Formulas 1, 3, 6, 8 or 10 with any one of or a combination of Chemical Formulas 2, 4, 5, 7, 9, 11 or 12.

In addition to the above, cross-linking is prevented because the claims limit  $R_1$ ,  $R_2$ ,  $R_4$  and  $R_5$  groups to an alkyl, chlorine atom, or an alkyl group including a fluorine atom. By so limiting the scope of the claim, cross-linking is prevented, and therefore, the solubility of the exposed portion of the resist film is not degraded.

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Accordingly, for all of the foregoing reasons, it is respectfully requested that the rejection of the claims as being anticipated by Allen et al. be reconsidered and withdrawn.

It is submitted that the claims 6-25 are patentable over the teachings of Allen et al. Accordingly, favorable reconsideration of the claims is requested in light of the preceding remarks. Allowance of the claims is courteously solicited.

To the extent necessary, a petition for an extension of time under 37 CFR § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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